

STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

LONDONDERRY SCHOOL CUSTODIAL EMPLOYEES,
LOCAL 1801, AFSCME, AFL-CIO

v.

LONDONDERRY SCHOOL DISTRICT,
SUPERVISORY UNION NO. 12

CASE NO. A-0448:1

DECISION NO. 80014

APPEARANCES

Representing Local 1801, AFSCME, AFL-CIO:

William J. McDonough, Executive Director, Council 68, AFSCME
James C. Anderson, President, Local 298, AFSCME
Dana C. Yates, Custodian
Robert Saulnier, Steward
Clara Drew, Custodian

Representing the Londonderry School District:

Thomas Kneeland, Esquire, Counsel

BACKGROUND

On May 15, 1979, Local 1801, AFSCME, the certified representative of Londonderry school custodial employees, filed unfair labor practice charges against the Town of Londonderry and its school board (hereinafter, Board) alleging that the Board through its agents, Normand A. Tanguay, Business Administrator and Principal Edmond G. Thibodeau, altered the conditions of employment of one, Clara Drew, by having her perform added duties such as maintaining and cleaning athletic uniforms and that the Board had gone against its own adopted policies. Further, that Principal Thibodeau did alter Mrs. Drew's condition of employment without conducting good faith negotiations with Local 1801 while negotiations were being carried on.

The Union representative, Mr. McDonough, stated that Clara Drew was required by the school department to launder certain athletic uniforms as part of her job as a custodian and such duty was not prescribed in the classification plan. He further stated that the other custodians, male, in the same classification were not required to do laundry.

The Union made attempts to meet with the Board to discuss the change but they refused to negotiate the issue. A copy of the job description covering the position classification of "Custodian II" was submitted in evidence and states under paragraph 2:

"Characteristics and Duties:.....

Sweeps, dusts, collects and empties trash containers. Washes and vacuums on a daily basis; performs minor repairs and checks security of buildings; assists in stripping, washing and waxing of floors."

The Union presented several witnesses, including Clara Drew, and cited the advertisement of the vacancy for the position of "Custodian II" which contained no mention of laundry.

The Town of Londonderry and the School Board by its Counsel, Tom Kneeland, Esquire, agreed that the Board had refused to discuss the alleged change in condition of employment as to the duties which Clara Drew was asked to perform. They alleged that the duties were part of the duties of a Custodian II and that upon hire, August, 1978, Clara Drew was aware that laundry equipment was to be installed in the new school and laundry would be part of the Custodian II duties.

Testimony substantiated that conversation between Clara Drew, Principal Thibodeau, the head custodian and the shop steward, relative to the installation of laundry equipment.

Several witnesses currently holding custodial positions in the Londonderry School District testified as to their job classification and duties performed thereunder.

FINDINGS OF FACT

1. The job specification covering the duties of "Custodian II" describes the tasks to be performed as "washes and vacuums on a daily basis".
2. Clara Drew was advised at the time of hire that custodians would be required to operate the new laundry equipment when it was installed in the new school and, therefore, well within the job description.
3. There was no attempt by the Board or its representatives to change any condition of employment.
4. The circumstances surrounding this case do not support a finding of unfair labor practice.

DECISION AND ORDER

PELRB finds no unfair labor practice and hereby dismisses the charges.


EDWARD J. HASELTINE, CHAIRMAN

Dated: April 10, 1980

Unanimous vote: Chairman Haseltine presiding, Members Mayhew and Cummings present and voting. Also present, Executive Director, Evelyn C. LeBrun.